

**REMARKS**

Claims 1, 5-12, 15-17 and 20-26 remain pending in the application.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. Independent claims 1 and 23 are amended herein to recite similar limitations to limitations previously existing in independent claims 10, 15 and 20. Therefore, no new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

**Claims 1, 5, 6, 7, 20 and 23-26 over Watters in view of Harris and Fisher**

In the Office Action, claims 1, 5, 6, 7, 20 and 23-26 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Pat. No. 5,982,324 to Watters et al. ("Watters") in view of U.S. Pat. No. 6,580,372 ("Harris"), and further in view of U.S. Pat. No. 6,295,455 to Fisher et al. ("Fisher"). The Applicant respectfully traverses the rejection.

Claims 1, 5, 6, 7, 20 and 23-26 respectively recite a method and apparatus transmitting an error corrected GPS location signal from a mobile device and from a wireless handset during a telephone call.

Watters discloses a conventional GPS system that utilizes a cellular network to obtain necessary differential GPS error correction data for each received satellite. However, Watters differential GPS error correction data is used in the determination of the raw GPS location. It is used for each satellite. For instance, look to Watters, in the paragraph bridging cols. 3 to 4, "The DGPS receiver selects the appropriate correction for each satellite that it is tracking, and subtracts the correction from the pseudorange that it has measured." Watters teaches the conventional GPS system that is accurate at best "in the order of ten meters", i.e., 30+ FEET! (Watters, col. 3, line 44) By contrast, the present invention provides improvements over the conventional 30 foot accuracy to within just a **few** meters.

The Examiner acknowledges that Watters fails to disclose transmitting a combined value, i.e., highly accurate location information produced by combining a local error difference with a raw GPS location signal, during a

telephone call (Office Action, page 3). The Examiner relies on Harris and Farris to allegedly make up for the deficiencies in Watters to arrive at the claimed invention.

Harris determines the location of a cellular telephone to prevent a telephone call from being made from a location that potentially can cause an explosion at a gas station (col. 1, lines 16-21). Thus, Harris teaches away from outputting any location information obtained from a GPS system during a telephone call, much less outputting error corrected GPS location information during a telephone call, as recited by claims 1, 5, 6, 7, 20 and 20-26.

Fisher is relied on by the Examiner to allegedly disclose transmitting location information during a telephone call (Office Action, page 3).

Fisher discloses transmitting location information during a telephone call. However, the location information originates from a mobile location center that determines the location of a mobile station by triangulation (col. 3, lines 50-54). The mobile station has no way of determining its own location and therefore would not transmit a location signal at any time, much less during a telephone call. Fischer fails to disclose or suggest transmitting any type of location signal from a mobile device, much less an error corrected GPS location signal from a mobile device and from a wireless handset during a telephone call, as recited by claims 1, 5, 6, 7, 20 and 20-26.

Moreover, if it were obvious to modify Watters with the teachings of Harris and Fisher, which it is not, at best the result would be a cellular telephone that uses a mobile location center to transmit a location signal during a telephone call (Fischer), NOT a method and apparatus transmitting a location signal from a mobile device and from a wireless handset during a telephone call, much less an error corrected GPS location signal, as recited by claims 1, 5, 6, 7, 20 and 20-26.

Arguably, it is respectfully submitted that the need to combine as many as THREE (3) separate references to allegedly obviate certain claims of the present invention is an indication of their NON-obviousness.

Respectfully, the Examiner frustrates the Applicants by failing to provide a singe reference or a combination of references that disclose or suggest

outputting an error corrected GPS location signal during a telephone call, much less from a mobile device and from a wireless handset during a telephone call.

Accordingly, for at least all the above reasons, claims 1, 5, 6, 7, 20 and 20-26 are patentable over the prior art of record. It is therefore respectfully requested that the various rejections be withdrawn.

**Claims 8-10, 15, 21 and 22 over Watters in view of Fisher and Schipper**

In the Office Action, claims 8-10, 15, 21 and 22 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Watters in view of Fisher, and further in view of U.S. Pat. No. 5,986,603 to Schipper ("Schipper"). The Applicant respectfully traverses the rejection.

Claims 8, 9, 21 and 22 are dependent on claims 1 and 20 respectively and are allowable for at least the same reasons as claims 1 and 20

Claims 8-10, 15, 21 and 22 recite a method and apparatus transmitting an error corrected GPS location signal from a mobile device and from a wireless handset during a telephone call.

As discussed above, Watters in view of Fisher fails to disclose or suggest a method and apparatus transmitting an error corrected GPS location signal from a mobile device and from a wireless handset during a telephone call, as recited by claims 8-10, 15, 21 and 22.

The Office Action relies on Schipper to allegedly make up for the deficiencies in Watters in view of Fisher to arrive at the claimed invention. The Applicant respectfully disagrees.

The Office Action relies on Schipper's background of the invention to disclose a longitude difference and a latitude difference (Office Action, page 8). Although Schipper is directed toward error correcting navigation signals received from a plurality of sources, such as GPS, GLOSNASS, Loran, etc. through differential positioning based on a receiver having a known location (see Schipper, col. 1, lines 13-45; col. 20, lines 9-18), Schipper fails to disclose or suggest application of error corrected navigation signal to a telephone system,

much less for output from a mobile device and from a wireless handset during a telephone call, as recited by claims 8-10, 15, 21 and 22.

Neither Watters, Harris nor Schipper, either alone or in combination, disclose, teach or suggest a method and apparatus transmitting an error corrected GPS location signal from a mobile device and from a wireless handset during a telephone call, as recited by claims 8-10, 15, 21 and 22.

Arguably, it is respectfully submitted that the need to combine as many as THREE (3) separate references to allegedly obviate certain claims of the present invention is an indication of their NON-obviousness.

Accordingly, for at least all the above reasons, claims 8-10, 15, 21 and 22 are patentable over the prior art of record. It is therefore respectfully requested that the various rejections be withdrawn.

**Claims 11, 12, 16, 17 and 21 over Watters in view of Fisher, Schipper and Green**

In the Office Action, claims 11, 12, 16, 17 and 21 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Watters in view of Fisher, Schipper, and further in view of U.S. Pat. No. 5,926,133 to Green Jr. ("Green"). The Applicant respectfully traverses the rejection.

Claims 11, 12, 16, 17 and 21 are dependent on claims 10, 15 and 20 respectively and are allowable for at least the same reasons as claims 10, 15 and 20

Claims 11, 12, 16, 17 and 21 recite a method and apparatus transmitting an error corrected GPS location signal from a mobile device and from a wireless handset during a telephone call.

As discussed above, neither Watters, Harris nor Schipper, either alone or in combination, disclose, teach or suggest a method and apparatus transmitting an error corrected GPS location signal from a mobile device and from a wireless handset during a telephone call, as recited by claims 11, 12, 16, 17 and 21.

The Office Action relies on Green to add to the elements of Watters in view of Fisher and Schipper to arrive at the claimed invention of claims 11, 12,

16, 17 and 21. Assuming those elements of Watters, Fisher and Schipper are actually present when combined, as suggested by the Office Action, which they are not as explained hereinabove. Furthermore, Green does not supply any of the elements missing from Watters, Fisher and Schipper.

With regard to Green, Green is relied on by the Examiner to allegedly teach a system and method for differentially correcting position and a mobile communication network (Office Action, page 10). Moreover, Green is relied on to disclose transmitting highly accurate location information to a called party during an emergency telephone call (Office Action, page 3).

"The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). Green not only fails to disclose the desirability of the modification, Green discloses a plurality of reasons why one of ordinary skill in the art would NOT want to modify a mobile telephone to incorporate a GPS receiver, i.e., cost, power consumption, increase in telephone size, and weaknesses of GPS systems in general (see col. 2, line 55-col. 3, line 14). Instead of using GPS, terrestrial based receivers determine the location of a rover (Green, Fig. 4). Thus, Green teaches away from use of an error corrected GPS location signal, much less a method and apparatus transmitting an error corrected GPS location signal from a mobile device and from a wireless handset during a telephone call, as recited by claims 11, 12, 16, 17 and 21.

Neither Watters, Harris, Schipper nor Green, either alone or in combination, disclose, teach or suggest a method and apparatus transmitting an error corrected GPS location signal from a mobile device and from a wireless handset during a telephone call, as recited by claims 11, 12, 16, 17 and 21.

It is respectfully submitted that the need to combine as many as FOUR (4) separate references to allegedly obviate certain claims of the present invention is an indication of their NON-obviousness.

Accordingly, for at least all the above reasons, claims 11, 12, 16, 17 and 21 are patentable over the prior art of record. It is therefore respectfully requested that the various rejections be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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